

Application Serial No. 10/560,533
Amendment and Response to Restriction
Requirement dated 24 July 2008
Reply to Office Action dated 15 May 2008

REMARKS

Claim 1 has been rewritten as new claim 45 in which the scope of the claim has been restricted to with respect to original claim 1 to conform with the exemplified compounds. This amendment is being made to advance prosecution and is not being made in response to any rejection.

Claims 2, 7, 12-14, 30, 31 and 33-38 have been amended to depend from new claim 45.

Applicants submit that these amendments do not constitute new matter, and their entry is requested.

In response to the restriction requirement set forth in the Office Action dated 15 May 2008, Applicants elect Group XXV for examination. Claims 2-14 and 45 read on this election. This election is made with traverse as between the product and method claims. Applicants respectfully disagree with the Examiner's objection concerning method claims. In Applicants opinion, claims drawn to compounds and claims drawn to methods of treatment with said compounds may be regarded as a single invention, since they share a common inventive concept. Even admitting that they are different inventions, Applicants submit that according to 37 CFR § 1.141 they may be claimed in one single application. Reconsideration of the restriction is requested as between Group XXV and the method Groups.

Applicants also note the Examiner's comments concerning future consideration of rejoinder of the process claims if the product claims are found allowable.

Respectfully submitted,

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